

PUBLICATION OF THE OHIO BOARD OF NURSING

# MOMENTUM

Winter 2009 • Volume 7 Issue 1

**ELIMINATION OF  
WALLET CARDS**

**"CATEGORY A" (LAW AND RULE)  
CONTINUING EDUCATION REQUIREMENT**

**UPDATE FOR OHIO DIALYSIS  
TECHNICIAN TRAINING PROGRAMS**

**NEW RN LICENSURE  
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**The mission** of the Ohio Board of Nursing is to actively safeguard the health of the public through the effective regulation of nursing care.

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*Momentum* reaches every nurse, dialysis technician, medication aide, and community health worker, every hospital and nursing school administrator in the state of Ohio. Over 210,000 copies are addressed and mailed statewide. Estimated readership is well over 540,000 with each issue.



**Lisa Klenke, MBA, RN**  
*Board President*

**It is a great pleasure** that I greet you upon being re-elected president of the Ohio Board of Nursing at the November 2008 Board meeting. I have served on the Board for seven years and am honored to continue to serve as president. Other elected officers are J. Jane McFee, LPN, vice president, and Anne Barnett, BSN, RNC, CWS, Board Supervising Member for Disciplinary Matters. Also at the November meeting, the Board re-appointed Janet Boeckman, RN, MSN, CPNP, as the Board's Education Liaison.

We are pleased to welcome Johnnie Maier Jr. to the Board as the newly appointed consumer member. Johnnie served five terms as a member of the Ohio House of Representatives in the 1990s and served as a member of the House Health and Retirement Committee, the House Insurance Committee, and was the vice chairman of the House Select

Committee on Health Care Reform. He currently is the clerk of court of the Massillon Municipal Court. Johnnie has received many honors for public service, including Stark County Public Official of the Year and the Ohio Legislator of the Year. He attended Kent State University, where he obtained an associates and bachelors degree. He did graduate work in Public Administration at the University of Alabama and the University of Akron. We look forward to working with Johnnie as a Board member!

As we look back on 2008 and begin 2009, we want to acknowledge and thank Debra Broadnax, MSN, RN, CNS; Elizabeth Buschmann, LPN; and Kathleen O'Dell, RN, M.Ed., NCSN, whose terms on the Board ended. Deb served as the Board Supervising Member for Disciplinary Matters for two years. Liz chaired the Board Committee on the Ohio Center for Nursing, and Kathy focused on school nursing issues. Board members and staff have truly appreciated their leadership on the Board.

For 2009, the Board appointed members and chairs for the Advisory Groups. The chairs are Board Members Delphenia Gilbert, BA, RN, M.Ed., LSN, Advisory Group on Continuing Education; Patricia Protopapa, LPN, Advisory Group on Dialysis; and Kathleen Driscoll, JD, MS, RN, Advisory Group on Nursing Education. Eric Yoon, MSN, ACNP, CCNS, serves as chair of the Committee on Prescriptive Governance. Advisory Groups meet

throughout the year to provide recommendations to the Board on various programs and issues. The following meetings are scheduled for 2009:

- Continuing Education– February 20
- Dialysis– February 10; October 13
- Nursing Education– June 18; October 8
- Committee on Prescriptive Governance– January 12; May 11; September 21

Board meetings scheduled for 2009 are:

- January 15-16
- March 19-20
- April 16-17 (Retreat)
- May 14-15
- July 23-24
- September 24-25
- November 18-20

All meetings convened by the Board, including the Board Retreat and Advisory Group meetings, are open meetings, and the public is welcome to attend. To confirm dates, locations, and times, please call (614) 466-6940 or e-mail [board@nursing.ohio.gov](mailto:board@nursing.ohio.gov).

Please visit the Board Web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) for updates and information throughout the year. Also, remember to subscribe to the OBN eNews, an announcement service distributed via email to your work or personal account. Subscribers to this news service periodically receive meeting notices and information about practice issues, rules hearings, potential law changes, etc. •

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**Greetings!** The Board continues to be busy and productive! Last year, the Board regulated approximately 223,000 licenses and certificates as compared to approximately 191,000 in 2002. Your Board of Nursing is the largest health care regulatory board in the state of Ohio, in terms of licensees and certificate holders regulated, and one of the largest seven boards of nursing in the United States!

We acknowledge the diligent work of the Board members who committed their time and expertise to actively safeguard the health of the public through the effective regulation of nursing care. We also recognize the Board staff for their commitment and work throughout the year. In 2008, the Board:

- Regulated over 157,000 registered nurse licenses and 52,500 practical nurse licenses
- Issued licenses by examination to over 9,000 applicants and licenses by endorsement to over 2,000 applicants
- Regulated over 7,800 certificates of authority (certified nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified registered nurse anesthetists) and over 3,700 certificates to prescribe
- Maintained certification of 1,718 dialysis technicians, 68 community health workers, and 63 medication aides
- Achieved an 85 percent online renewal rate expediting the renewal process for applicants and improving the efficiency of the Board
- Audited the continuing education of

over 3,000 licensed practical nurses and provided oversight or re-approval to 11 Ohio Board of Nursing (OBN) Approvers of Continuing Education

- Processed approximately 4,000 complaints
- Took action on an average of 280 disciplinary cases at each Board meeting and provided licensing and discipline data to national databases
- Provided alternative programs to discipline: Alternative Program for Chemical Dependency (AP) and the Practice Intervention and Improvement Program (PIIP)
- Made disciplinary documents more accessible to the general public by linking disciplinary records to the license or certificate records as part of the online verification system
- Regulated 143 pre-licensure nursing education programs, 21 dialysis programs, three community health worker training programs, and 19 medication aide training programs
- Established Board Committees on Practice to review practice issues and approved, in July of 2008, an Interpretative Guideline for practice guidance: "The Licensed Nurse's Role In the Care of Patients Receiving Intramuscular, Subdermal, or Subcutaneously Injected Medications for Cosmetic/Aesthetic Treatment"
- Completed the five-year review of administrative rules as required by Revised Code section 119.032 and also amended additional administrative rules



**Betsy J. Houchen,**  
RN, MS, JD  
*Executive Director*

- Continued the Medication Aide Pilot Program and approved nursing homes, assisted living facilities, and training programs for participation in the Pilot Program
- Convened Advisory Groups for Continuing Education, Nursing Education, Dialysis, and the Committee on Prescriptive Governance
- Launched the Ohio Center for Nursing Web site to promote nursing as a career and provide information about the nursing work force in Ohio
- Provided nurse education grant funding totaling \$1,305,491 to nursing education programs for the purpose of increasing their nursing student enrollments
- Assisted the Ohio Board of Regents in administering the Nurse Education Assistance Loan Program to provide financial assistance to Ohio students as an incentive to serve as nurses or nursing faculty in Ohio nursing education programs

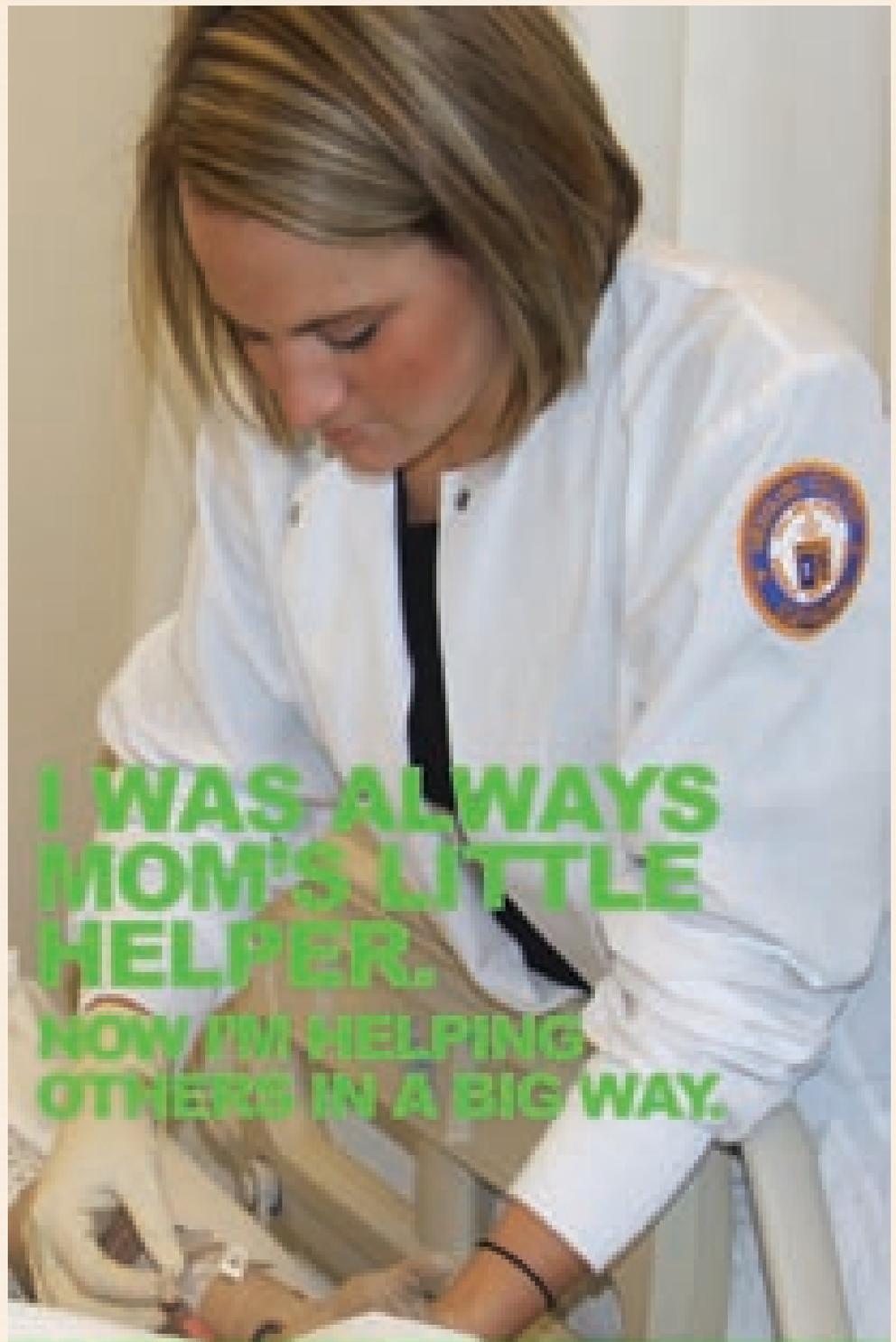
- Issued *Momentum* on a quarterly basis; updated the Web site regularly to include a practice page, disciplinary actions, Board meeting materials, upcoming events, FAQs, downloadable forms, and proposed rule changes; and used an electronic mailing service to send out news and time sensitive e-mail announcements
- Represented Ohio on the national level through four staff serving as members of four NCSBN committees and the executive director serving on the NCSBN Board of Directors.

We look forward to another productive year in 2009 and wish you well! •



## BOARD FEES/ PAYMENTS

Effective March 1, 2009, the Ohio Board of Nursing will no longer accept personal checks. Business checks from government entities and education or training programs will continue to be accepted. All other payment must be made in the form of a certified check, cashier's check or money order. Payments must be drawn on a United States (U.S.) bank or payable in U.S. dollars and must be made payable to "Treasurer, State of Ohio."



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# Update for OHIO DIALYSIS TECHNICAL TRAINING PROGRAMS DECEMBER 2008

The Ohio Board of Nursing (Board) appreciates the opportunity to provide you with this update regarding the Board's regulation of Dialysis Technician Training Programs (Programs). Included is information pertaining to the regulations in Chapter 4723-23 of the Ohio Administrative Code (OAC).

This update will serve to highlight **some** of the current requirements, as well as provide answers to some of the frequently asked questions the Board receives from Dialysis Technician Training Programs; however, please remember it is **each Program administrator's responsibility to review the chapter in its entirety and ensure all rules are being met and maintained in their respective Program**. The law and rules pertaining to the Board's regulation of dialysis technicians and dialysis technician training programs are available for review/download on the Board's Web site, <http://www.nursing.ohio.gov/> in the "Law and Rules" section.

## **RULE HIGHLIGHTS**

### **Rule 4723-23-07: Procedures for obtaining approval or reapproval as a dialysis technician training program**

- **At least ninety days prior** to expiration of the Board's approval of the program, the program seeking reapproval must submit the following to the Board: Re-approval application; fee of three hundred dollars; any other information requested by the Board.
- The Board may conduct a survey visit to the program during each two year approval period.
- At any time a program approved by the

## **The Board may grant approval, reapproval, or propose to deny or withdraw approval of the program based on the deficiency report...**

Board, or a program seeking approval or reapproval, appears not to meet or maintain the minimum standards of this chapter, the Board will submit a deficiency report to the program administrator. **Within thirty days** of receipt of the deficiency report, the nurse responsible for administering the program may submit to the Board either a written correction plan that sets forth the steps taken by the program to meet the requirements of the chapter or a response that disputes the findings and explains how the program is meeting the requirements of the chapter. The Board may grant approval, reapproval, or propose to deny or withdraw approval of the program based on the deficiency report, the program's response to the report, and any other relevant evidence.

- The Board shall deny or withdraw approval of a program only pursuant to an adjudication in accordance with Chapter 119. of the Revised Code.

### **Rule 4723-23-08: Requirements for a dialysis technician training program approved by the Board.**

- A dialysis technician training program must consist of not less than three hundred and twenty (320) clock hours of instruction and shall include:
  - o A minimum of one hundred (100) clock hours of theoretical instruction

in a classroom setting;

- o A minimum of two hundred and twenty (220) clock hours of supervised clinical experience.
- The curriculum must include content which ensures sufficient preparation for safe and effective practice as a dialysis technician.
- 4723-23-08(A)(1) outlines the content to be included in the curriculum. To review the complete curriculum, please access the following link: <http://codes.ohio.gov/oac/4723-23-08>.
- The program must be administered by a registered nurse who (i) holds a current, valid licensure in Ohio to practice as a registered nurse; (ii) has at least 36 months experience in the practice of nursing as a registered nurse, of which at least 24 months has been in the care of renal patients and at least six months in dialysis care; and (iii) education or experience in adult education.
- The registered nurse who is responsible for administering the program may utilize other health care professionals to assist in conducting classroom and clinical portions of the program in accordance with the health care professional's educational background and scope of practice.
- The registered nurse who is responsible for administering the program must assure that the governing body of the train-

ing program establishes in writing the policies required by 4723-23-08(E), and implements the policies as written.

- 4723-23-08(E) requires that the program adopt and implement policies that include but are not limited to the following:
  - o Criteria for trainee admission and continuation in the program which require, at a minimum, that the individual be able to safely perform the essential functions of a dialysis technician;
  - o Criteria for trainee re-enrollment in the program;
  - o Criteria for successful completion of the program;
  - o A process for determining achievement of the skills required for the safe performance of dialysis care which shall include, at a minimum, written verification that the trainee has been taught the required skills, signed by both the registered nurse and the trainee;
  - o A process for maintaining trainee records including but not limited to:
    - The date the trainee began the program;
    - The date the trainee completed the program; and
    - Competency check lists for each trainee.
  - o A process for providing written notice to the board regarding enrollment and program completion.
  - o A process for evaluation of the program which includes, but is not limited to:
    - Feedback from trainees enrolled in the program regarding the program and the instructional personnel assisting with the program;
    - Feedback from the employers of the trainees who have successfully completed the program; and
    - A review of the trainees' level of

achievement on the national certification examination.

- o A procedure in accordance with 4723-23-08(F) for dealing with the unexpected vacancy of the nurse responsible for administering the program.
- 4723-23-08(F) requires that a training program immediately notify the Board when the nurse responsible for administering the program vacates the position or is

replaced. This notification includes providing the name and qualifications of the new administrator. A training program shall not initiate a new dialysis technician training course unless an administrator, who meets the requirements of 4723-23-08(B), is in place.

- 4723-23-08(G) outlines the process when the decision is made to close a training program.



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## FREQUENTLY ASKED QUESTIONS FROM DIALYSIS TECHNICIAN TRAINING PROGRAMS

*Will the Board notify us before  
our approval expires?*

- Board staff will not provide a notice of a program's nearing approval expiration; however, the approval dates for each program are posted on the Board's Web site on the list of approved Dialysis Training Programs.

*Will the program have a survey visit by*

*the Board, and if so, when will it occur?*

- The Board may conduct a site visit at any time during each two-year approval period.

*Can we offer our students more than 100 hours  
of theory and 220 hours of clinical experience?*

- Rule 4723-23-08 OAC requires a **minimum** number of 100 hours of theoretical instruction in a classroom setting and 220 hours supervised clinical experience. Programs may choose to provide **more**

than the minimum required hours for classroom instruction and/or clinical.

*Is the Training Program required to  
have all of its policies in writing?*

- Yes, all policies must be written.
- The Board does not prescribe the content of the policy; however, training programs are required to implement each policy consistently.
- The Program's policies must be maintained in such a way that they are available for review at all times.
  - It is recommended that all policies be kept in a central location and be made available to students and faculty as applicable.

*Who can teach in a Dialysis Training Program?*

- The registered nurse administrator may utilize other health care professionals to assist in conducting classroom and clinical portions of the program in accordance with the professional's educational background and the scope of practice.
  - Examples of other health care professionals that may be utilized in a dialysis technician training program include:
    - Registered dietitians used to teach principles related to the nutritional considerations for patients receiving dialysis;
    - Licensed social workers used to teach the content related to establishing professional boundaries with clients;
    - Licensed pharmacists used to teach the pharmacology of drugs commonly used during dialysis; and
    - Registered nurses.

### CONTACT INFORMATION

We hope you have found this information helpful. If you have any questions or need additional information, please e-mail us at [education@nursing.ohio.gov](mailto:education@nursing.ohio.gov) or you may contact us directly.

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# NEW RN LICENSURE RENEWAL PROCESS

If you hold a current, valid license as a registered nurse in Ohio, your license will expire after August 31, 2009. The Ohio Board of Nursing (Board) has initiated a new licensure renewal process. This new process promotes the utilization of online renewal and will increase efficiency by reducing costs and potential errors, and will expedite the processing of renewal applications!

If you hold a current, valid license as a registered nurse in Ohio, your license will expire after August 31, 2009. The Ohio Board of Nursing (Board) has initiated a new licensure renewal process. This new process promotes the utilization of online renewal and will increase efficiency by reducing costs and potential errors, and will expedite the processing of renewal applications!

All RNs who are eligible to renew their license in 2009 will receive a renewal notice through the mail with a personal ID, password, and instructions on how to renew their license online. Renewal notices will be mailed during the month of March to the address that the Board has on file. It is extremely important to notify the Board of a name and/or address change immediately. An incorrect name and/or address may delay the renewal of your license. Please note that for a change in name, a court certified copy of the document indicating the change in name is required. This certified document may be obtained from the court where the original record was filed. If you have not yet notified the Board of any changes, please do so immediately. A Name/Address Change Form may be obtained through the Board Web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) under Forms, NURSE LICENSE RENEWAL.

When renewing online, you can pay the required renewal fee using Master Card or VISA credit cards, or debit cards with a MC or VISA logo. By utilizing the online renewal process, you may be able to verify the renewal of your license through the Board's

Web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) in as little as three business days after completing the online renewal application. RNs who do not want to renew their license online must submit a written request for a paper renewal application by e-mail at [renewal@nursing.ohio.gov](mailto:renewal@nursing.ohio.gov), fax at (614) 466-0388, or by mailing the request to the Board.

It is strongly recommended that you renew your license as soon as you receive your renewal notice. Incomplete applications may result in late or lapsed fee charges and a delay in the renewal of your license. The fees for licensure renewals are as follows:



**Before July 1, 2009** – \$65 RN; \$85 (one certificate of authority)

**July 1, 2009 to August 31, 2009** – \$115 RN; \$135 (one certificate of authority)

**After August 31, 2009, to renew a lapsed license** – \$165 RN; \$185 (one certificate of authority)

**Certificate to prescribe renewals** - \$50 (no late or lapsed fees apply)

The Board audits thousands of nurses each year to determine compliance with continuing education requirements. If you were notified of an audit of your continuing education for the registered nurse licensing period of September 1, 2005, through August 31, 2007, and have not completed that audit by submitting the information required by the Board, you will not receive your renewal notice for 2009-2011 until you complete the audit requirements. Board staff are available to assist you in taking the necessary steps to renew your license. If you have questions about the renewal process, please contact the Board at (614) 995-5420 or by e-mail at [renewal@nursing.ohio.gov](mailto:renewal@nursing.ohio.gov).

# "CATEGORY A" (LAWS AND RULES) CONTINUING EDUCATION ONE-HOUR REQUIREMENT

On November 19, 2008, the Ohio Board of Nursing (OBN) held a public hearing regarding a revision of Rule 4723-14-01, Ohio Administrative Code (OAC), related to providers of "Category A" continuing education. "Category A" means the portion of continuing education that meets the **one-hour requirement** directly related to Chapter 4723. of the Revised

**Any Category A obtained on or after February 1, 2009, must be approved by an OBN approver or offered by an OBN approved provider unit...**

Code and the rules of the Ohio Board of Nursing (OBN) as set forth in Rule 4723-14-03, OAC. Any Category A obtained on or after February 1, 2009, must be approved by an OBN approver or offered by an OBN approved provider unit that is **headquartered in the state of Ohio**. An OBN approver is an approver of continuing education. A list of OBN approvers is located on the Board's Web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov). Click on the "Education" link on the homepage, and the list of OBN approvers is located under "Continuing Education." If you have questions about continuing education, please contact the Continuing Education Desk at (614) 466-1949 or by e-mail at [ce@nursing.ohio.gov](mailto:ce@nursing.ohio.gov).

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# Elimination of Wallet Cards and License/Certification Verification

On November 19, 2008, the Ohio Board of Nursing (Board) held a public hearing regarding a proposal to revise Rule 4723-7-07, Ohio Administrative Code, to eliminate mandatory wallet cards. This proposal was the culmination of a year's research and period for public feedback. An article on this topic, "Identity Theft and Fraud: Risks Associated with Paper Wallet Cards," and request for public feedback, appeared in the spring 2008 Momentum (page 16-17). Another article was published on this topic in the fall 2008 Momentum. The proposed rule change will be effective by February 1, 2009.

The rationale for the proposal includes the following considerations:

- Mitigation of identity theft, fraud and imposterism;
- Employer ability to rely upon online licensure as Primary Source verification;
- Reduction of costs and errors associated with state printing.

In regards to situations involving Emergency Management, and the need to verify the identity of volunteers, the Ohio Medical Reserve Corp (OMRC) has established protocols for teams of local volunteer medical and public health professionals who can contribute their skills in emergency situations. Part of this includes volunteer registration procedures that not only provide liability protection for volunteers but provide guidelines for identification cards. The concept here is that the

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volunteer's credentials and comprehensive identity information are contained on the ID card, rather than relying solely on a paper license card, which does not contain any photograph or security features. For more information, please access the MRC Web site at: <http://www.medicalreservecorps.gov/TASeries/Establishing/SystemIdentification>.



Verification of a license or certificate is available through the Board Web site. The name, license or certification number and expiration date is public information and may be viewed by anyone. The Board strongly recommends that all employers use this Web site as verification of current licensure or certification status for employees. Please note that when calling the Board office with questions about your license or certificate that Board staff generally will not use social security numbers as primary means to verify licensure or certificate information. You should have your license or certificate number readily available.



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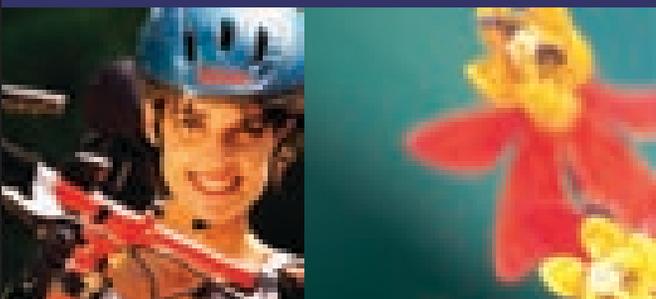
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- A change in name must be accompanied by a **certified** copy of a marriage certificate/abstract or divorce decree, a **certified** copy of a court record, or a **certified** copy of documentation consistent with the laws of the state where the change occurred. A certified copy can be obtained directly from the court where the original record was filed. Please allow 7 - 10 days for a name or address change to be processed.

## Name and/or Address Change Form *(Please type or print)*

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**Changes:** Name • \_\_\_\_\_

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# ADVISORY GROUPS AND COMMITTEES

All meetings of the Advisory Groups begin at 10:00 a.m. (unless otherwise noted) and are held in the Board office. If you wish to attend one of these meetings, please contact the Board office at 614/466-6940 to determine any change in the location, date or times from those listed.

**Advisory Group on Continuing Education**— February 20.

Chair: Delphenia Gilbert

**Advisory Group on Dialysis**— February 10, October 13.

Chair: Patricia Protopapa

**Advisory Group on Nursing Education**— June 18, October 8.

Chair: Kathleen Driscoll

**Committee on Prescriptive Governance**— January 12, May 11, September 21. Chair: Eric Yoon

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# PAYMENT FAILURES



There is often a lag-time between the time a payment is processed by the bank and the time the Board receives notification of error or insufficient funds. Even though a renewed license may have been received in the mail, failure of a payment to clear the bank will cause an application to become incomplete. Under rule 4723-1-04, Ohio Administrative Code, return of a check does not waive or extend the date upon which a license or certificate lapses. The purpose of publishing this list is to notify current and potential employers and to reach the individual when other avenues have failed.

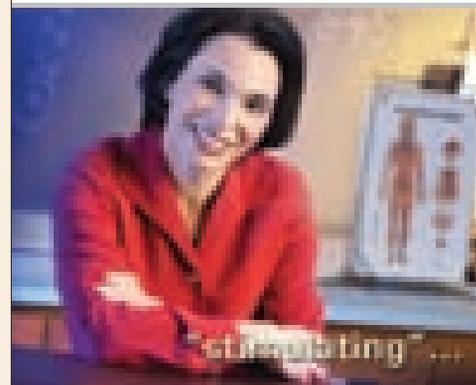
Below is a list of those nurses and dialysis technicians whose renewal applications, certificates, or duplicate licenses are incomplete due to payment failure related to insufficient funds. The licensee and certificate holders listed below failed to render payment by the date this publication went to press.

## BAD CHECK LIST

DT 01459	Lisa Miljour	099429	Paige Wilson
		068305	Jeanease Zimmerman
PN 121873	Adebisi Adedoyin	RN 254983	Lynn Baker
088845	Rebecca Anderson	179628	Cheryl Balogh
122340	Rita Batten	196050	Beverly Chambers
080412	Vera Bazemore	169966	Susan Chapman
110095	Alicia Bennett	234395	Robert Clarke
063017	Linda Black	284031	Deborah Conner
073460	Enid Blankenship	081572	Mary Hartmann
109961	Sandra Carter	219322	Micheal Hipshire
106337	Julie Cowdrey	278461	Yvonne Hoberek
089104	Mary Darnell	254146	Ann Jarven
107371	Patricia Edington-Wallace	099852	Jane Mccutcheon
100040	Lavonda Featchurs	256289	Linda McDaniel
077423	Barbara Freeman	169684	Bernadette Queener
104926	Stacy Freeman	323272	Jennifer Sheets
066195	Teresa Gilmore	288354	Shelia Smith
105124	Lisa Groves	292985	Therese Spalding
086632	Sandra Haulter	229036	Dundee Sweetland
102088	Mildred Highlander	300574	Jacque Young
044929	Gaynell Hunt		
026851	Eugenia Lauinger		
110478	Yvonna Meadows		
083754	Andrea Paquette		
113609	Miranda Pastol		
114225	Julienne Rose		
095293	Susan Runion		
090935	Autumn Schrader		
125159	Valerie Senior		
109807	Stacey Townsend		
040780	Jean Wehrle		

*If your name is listed here, please contact the Board at 614-995-3691 to arrange for proper payment of your fees. Because the name of a licensee may be the same as another, please do not assume from the name alone that a particular individual has a payment failure. You may verify the license number on the Board's Web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) by clicking on Verification.*

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# IS IT WITHIN MY NURSING SCOPE OF PRACTICE TO....

The Practice staff of the Board of Nursing is frequently consulted to determine if specific activities are within the scope of practice for a nurse. It is impossible to develop an all-inclusive list of the activities that a nurse may perform. In order to assist licensees in determining if an activity or task is within a registered nurse or licensed practical nurse's scope, a Decision Making Model was developed and can be accessed from the Board's website at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) in the "nursing practice" section. The following narrative in combination with the Decision Making Model may be helpful to determine if a task may be performed by an RN or LPN. It should be noted that the Nurse Practice Act and the rules adopted thereunder require that a licensee possess the appropriate knowledge, skills and abilities in the areas of practice in which they are engaged.

## STEP 1: DEFINE THE ACTIVITY OR TASK

Before determining if a task is within a nurse's scope it is important to clearly define the activity or task: Who is responsible for the completion of the task? Is the task an independent nursing action, does it require a physician's order, or, if being performed by an LPN, does the task require an RN or other practitioner's direction? Who is the ordering practitioner or physician? What needs to be done? What is the clinical environment in which the task be completed? When does the task need to be completed? What will be needed to safely complete the task?

## STEP 2: LEGALITY

*Is the activity or task within the scope of practice of the nurse and NOT prohibited or precluded by any other law or rule?*

The law and rules related to the practice

of nursing can be found in the Nurse Practice Act (also known as Ohio Revised Code (ORC) Chapter 4723.) and the rules adopted thereunder, which may be found in Ohio Administrative Code (OAC) Chapters 4723-1 to 4723-27. The law and rules may be easily accessed through the Board's website under the "Law and Rule" section. The scope of practice for RNs can be found in Section 4723.01(B), ORC, and the scope of practice for LPNs is found in Section 4723.01(F), ORC.

There may be law or rules extraneous to the Nurse Practice Act applicable to a nurse's ability to perform a task. Some examples may include the law regulating Pharmacists/Dangerous Drugs (Chapter 4729, ORC), Medical Practice (Chapter 4731, ORC), or MR/DD care (Chapter 5123, ORC).

If an activity or task is not within the nursing scope of practice, or if it is prohibited by another law or rule, a nurse should not perform the activity. For example, Medical Board rule 4731-18-02, OAC, generally prohibits a physician from delegating the use of specific light based medical devices to a nurse; rule 4731-18-03 provides an exception for hair removal, and rule 4731-18-04 provides an exception for delegation of the use of phototherapy to treat hyperbilirubinemia in neonates, or for fluorescent lamp phototherapy for the treatment of psoriasis and similar skin conditions.

## STEP 3: COMPETENCY

*Can the nurse perform the activity or task and meet the standards of safe nursing practice as defined in Ohio Administrative Code Chapter 4723-4?*

When considering if an activity is within a nurse's scope of practice, review of Chapter 4723-4, OAC is essential. The purpose of Chapter 4723-4 is to establish the minimal ac-

ceptable standards of safe and effective nursing practice for nurses in any setting. Nurses may be asked to perform activities or tasks that they did not receive training to do in their prelicensure nursing education. Rule 4723-4-03, for RNs, and rule 4723-4-04, for LPNs, indicate that a nurse may provide nursing care which is beyond basic nursing preparation provided: (1) The nurse obtains appropriate education which emanates from a recognized body of knowledge relative to the nursing care to be provided; (2) The nurse demonstrates appropriate knowledge, skills, and abilities to provide the nursing care; (3) The nurse maintains documentation satisfactory to the board of meeting the requirements set forth in (1) and (2) of the rule; (4) When the nursing care to be provided is in accordance with division (B)(5) of section 4723.01 of the Revised Code, the nurse has a specific current order from an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice; and (5) The nursing care does not involve a function or procedure which is prohibited by any other law or rule. Depending on the task involved, these requirements may be met by continuing education, training, or a more formalized educational training program. If the nurse cannot meet the standards set forth in Chapter 4723-4 and safely complete the activity/task, the nurse should not perform the task.

## STEP 4: SAFETY

*Is this activity or task safe and appropriate to perform with this patient/client at this time?*

Rule 4723-4-06(H), OAC states, "A licensed nurse shall implement measures to promote a safe environment for each client." There may be times when it is not safe to carry out an ac-

tivity with a specific client. There are also certain activities or tasks that should only be done in a specific environment where the necessary assistive equipment and personnel will be available in case of an unexpected response.

**STEP 5: ACCOUNTABILITY**

If based on the above considerations there are no prohibitions, a nurse may perform the activity/task according to acceptable and prevailing standards of safe nursing care and accept accountability for the nursing actions.

**ADDITIONAL CONSIDERATIONS**

*LPN activities and tasks*

In accordance with Section 4723.01(F), ORC, LPNs provide nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor or registered nurse. Included within the LPN scope is the administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, except that the administration of intravenous therapy must be performed in accordance with Sections 4723.17 or 4723.171, ORC. LPNs may perform properly authorized nursing activities or tasks that are within the knowledge, skills and abilities of the individual nurse. There may be situations in which the directing physician or registered nurse in discussion with the LPN find that due to patient condition or other circumstances, the task should be completed by a registered nurse.

*Advanced Practice Nurses and School Nurses*

To further assist APNs and school nurses, the Board has developed Decision Making Models for these specific groups. The APN Decision-Making Model is available under Nursing Practice: Advanced Nursing Practice. The School Nurse Decision-Making Model is available under Nursing Practice.



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- Safety/Disaster Preparedness Officer, FT 7:30a-4p

### Registered Nurse Positions

- RN Float - Cardiology, PT varies 7a-3p, on call responsibilities
- RN - Intensive Care Unit, FT 7p-7:30a
- RN - Progressive Care Unit, FT 7p-7:30a
- RN Overhire - Emergency Department, FT 7p-7a & 11p-11a
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